

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

(121)

CWP-26600-2019

Date of Decision: September 19, 2019

Shakuntla

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Pawan Kumar Goklaney, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

Learned counsel for the petitioner argues that the petitioner was initially appointed as a Sweeper with the respondents on 01.12.1983 and her services were regularized on the said post on 27.04.2010, from which post, she retired on 30.04.2012.

Learned counsel for the petitioner states that despite the fact that the petitioner had approximately 24 years of service when she superannuated but no pensionary benefits have been extended to the petitioner on the ground that the services of the petitioner were regularized on 27.04.2010 on which date, the contributory provident fund scheme was in operation and therefore, petitioner cannot be granted the pension under the old pension scheme.

Learned counsel for the petitioner further argues that the said action of the respondents is contrary to the settled principle of law settled by the Division Bench of this Court in **Harbans Lal Vs. State of Punjab and others, CWP No. 2371 of 2010, decided on 31.08.2010**, according to which, if an employee was in service as on 01.01.2004, though his services might have been regularized after the said date, will be governed by the Old

Pension Scheme and therefore, petitioner is entitled for pension under the Old Pension Scheme and a direction be issued to the respondents in that regard.

Learned counsel for the petitioner states that for the relief which has been claimed in the present writ petition, the petitioner has served the respondents with a legal notice dated 23.07.2019 (Annexure P-8) which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the said legal notice by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by her in the legal notice dated 23.07.2019 (Annexure P-8), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 23.07.2019 (Annexure P-8), within a period of three months from the receipt of certified copy of this order.

In case, it is found that the petitioner is entitled for any monetary benefits after the decision of the legal notice, the same should also be paid to her within three months thereafter.

(HARSIMRAN SINGH SETHI)
JUDGE

September 19, 2019
harsha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No